

Supporting Document No. 2

Item No. 8
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California Regional Water Quality Control Board

San Diego Region

nston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

March 18, 2003

Mr. Walter Ekard
Chief Administrative Officer
County of San Diego
1600 Pacific Coast Highway, Room 209
San Diego, CA 92101-2472

Dear Mr. Ekard:

I have been directed by Chairman John Minan of the California Regional Water Quality Control Board, San Diego Region (RWQCB) to prepare this letter for your consideration. The RWQCB is greatly concerned by recent events concerning the implementation of the Municipal Storm Water Program in San Diego County. Our goal is to have the best possible leadership in identifying sources of pollution and abating them.

The County of San Diego has recently dedicated resources that are intended to challenge and undermine the implementation of the Municipal Separate Storm Sewer System (MS4) NPDES Permit adopted by the RWQCB on February 21, 2001. This Permit regulates the discharges from the County owned MS4 and also discharges from MS4s of 19 other Copermittees in the County.

For the past 2 years, the RWQCB has relied on the leadership of the County to fulfill the role as Principal Copermittee to coordinate and encourage all the municipalities in their efforts to comply with the permit requirements. The County has proven to be capable and effective in the role of Principal Copermittee, but recent actions by the County call into doubt its commitment.

The County role in the recent lawsuit against the RWQCB by the Building Industry Association (BIA) was clearly not in support of the permit. County staff provided written materials to the court arguing against the permit and the regulatory authority of the RWQCB. In addition, County staff were present at the court proceedings in support of the BIA.

The RWQCB has reviewed the recent legislative proposal Assembly Bill 1517 (Introduced by Assembly Member Plescia, Escondido, Ca.) that contains language that does not support the RWQCB or the MS4 Permit. The RWQCB believes that this Bill was written entirely by the County of San Diego. It is intended to restrict the RWQCB's authority and to eliminate requirements imposed by the RWQCB MS4 Permit.

The provisions of this Bill were explained to the Copermittee representatives by County personnel at the 20 February, 2003 storm water Copermittee meeting. The RWQCB views this meeting as a key means for the County to execute its leadership role to support and encourage

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implementation of the MS4 Permit. The County behavior in using this meeting for the purpose of seeking support for AB 1517 compromises the trust that the RWQCB had placed in the County. The RWQCB needs a Principal Copermittee that can willingly and openly work with the RWQCB and all Copermittees to implement the MS4 Permit.

Accordingly, I ask the County of San Diego to confirm it's desire to serve as Principal Copermittee and to support and encourage the implementation of the Permit adopted by the RWQCB. If the County intends to continue questioning the implementation of the Permit outside the coordination efforts with the RWQCB, it should make this known to the public and the RWQCB, and to step down from its leadership role that is derived from that Permit.

I request that the County report their intent to the RWQCB at the soonest opportunity at a public meeting of the RWQCB or by written response. These matters are fundamental to the RWQCB's confidence in the County's role as Principal Copermittee on helping to secure the shared goal of protecting and restoring water quality in the San Diego region.

Respectfully,



John H. Robertus
Executive Officer, SDRWQCB

CC: Mr. Robert Copper, County of San Diego
Ms. Marilyn Buck, County of San Diego
Mr. Donald Steuer, County of San Diego
Ms. Celeste Cantu, State Water Resources Control Board
Mr. John Richards, State Water Resources Control Board
Board Members, RWQCB